IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1697 OF 2006

Jitendra @ Jitu Ashok Ahire ...Applicant

V/s

The State of Maharashtra ...Respondent.

Mr. Bhaskar J. Sarwade for the applicant.
Ms. M.M. Deshmukh, APP for the State.

ALONGWITH
CRIMINAL APPLICATION NO. 1733 OF 2006

Nandu Sheshrao Kingre ....Applicant

V/s

The State of Maharashtra ....Respondent.

Ms. Anjali Patil for the applicant.
Ms. M.H. Mhatre, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 28th April, 2006

P.C.

1. Both these applications can be disposed of by a common order since they are arising out of the same

C.R.

2. Heard the learned Counsel for the applicant and the learned APP for the State.

3. In an unfortunate incident, there was a quarrel between the friends who were playing cricket and one of the applicants assaulted the deceased with a cricket bat as a result of which he sustained injuries and died. The charge-sheet has been filed. The applicants are in jail since 6/11/2005. Considering the material which is on record, it is possible that the offence which is committed may be converted either under section 304 Part-I or Part-II of the Indian Penal Code.

4. In any event, considering the age of the applicants and the fact that there was no intention to cause death as prima facie can be seen from the material which is on record, the applicants be released on bail in the sum of Rs 5000/- each with one or two sureties in the like amount each. The applicants shall not tamper with the evidence or threaten any of the witnesses. The applicants shall report to the concerned Police Station once in a month.

5. The trial court shall not be influenced by any observations made by this Court while deciding these applications and the same may not be construed to mean as an expression of opinion on the merits of the case.

The trial court shall decide the case on its own merits and in accordance with law.

6. Applications are accordingly disposed of.

V.M. KANADE, J.